

Order

Michigan Supreme Court
Lansing, Michigan

March 31, 2006

Clifford W. Taylor,
Chief Justice

128676

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JOSEPH M. MAUER, Personal Representative
for the Estate of KRISTIANA LEIGH MAUER,
Deceased, JOSEPH M. MAUER, Individually,
JOSEPH M. MAUER, as Next Friend of CARL
MAUER, a minor, MINDE M. MAUER, and
CORY MAUER,
Plaintiffs-Appellees,

v

SC: 128676
COA: 250858
Manistee CC: 02-010971-NI

ROBERT WAYNE TOPPING,
Defendant,

and

BOARD OF COUNTY ROAD COMMISSIONERS
OF MANISTEE COUNTY,
Defendant-Appellant.

By order of December 28, 2005, this case was held in abeyance for *Middleton v County of Marquette* (Docket No. 128677). On the Court's own motion, we VACATE our abeyance order of December 28, 2005. The application for leave to appeal the April 7, 2005 judgment of the Court of Appeals is again considered and, it appearing to this Court that the case of *Rowland v Washtenaw County Road Commission* (Docket No. 130379) is pending on appeal before this Court and that the decision in that case may resolve an issue raised in the present application for leave to appeal, we ORDER that the application be held in ABEYANCE pending the decision in that case.



d0328

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 31, 2006

Corbin R. Davis

Clerk